



Entered on Docket  
December 29, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,  
USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>  
USA SECURITIES, LLC,<sup>3</sup>  
Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIRST OMNIBUS  
OBJECTION OF USACM TRUST TO  
PROOFS OF CLAIM BASED UPON  
INVESTMENT IN THE BEASTAR LOAN**

Hearing Date: December 18, 2009  
Hearing Time: 1:30 p.m.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “ First Omnibus Objection of USACM Trust to  
2 Proofs of Claim Based Upon Investment in The BeaStar Loan”, [Docket No. 7792] (the  
3 “Objection”) at the December 18, 2009 Omnibus Objection; proper notice of the Objection  
4 having been given; no response to the Objection having been filed; and good cause  
5 appearing:

6 **IT IS HEREBY ORDERED:**

- 7 1. The Objection is sustained;
- 8 2. The claims listed on **Exhibit A** attached are allowed as general  
9 unsecured claims for the amount shown on **Exhibit A** as Unremitted  
10 Principal; and
- 11 3. The remainder of the claims listed on **Exhibit A** are disallowed in full  
12 because they are based upon a Direct Lender investment in The  
13 BeaStar Loan.

14 PREPARED AND RESPECTFULLY SUBMITTED BY:

15  
16 **LEWIS AND ROCA LLP**

17 By /s/ John Hinderaker (018024)

18 Rob Charles  
19 John Hinderaker (*pro hac vice*)  
20 Marvin Ruth

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26

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ This is a Chapter 11 case. I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party (no other party appeared):	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

###

Submitted by:

**LEWIS AND ROCA LLP**

By: /s/John Hinderaker (#018024)  
 Rob Charles  
 John Hinderaker (*pro hac vice*)  
 Marvin Ruth  
*Attorneys for USACM Liquidating Trust*

## EXHIBIT A

Claim	Name	Address	Total Claim Amount	Amount Related to the Beastar, LLC Loan	Allowed Diverted Principal Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Beastar, LLC Loan
10725-00405	Duane U Deverill Family Trust Dtd 10/25/90 Trust 1	Ftbo Duane U Deverill P.O. Box 4718 Incline Village, NV 9041 Newcombo Street Las Vegas, NV 98123	227,998.41	227,998.41	217,924.13	10,074.28
10725-00551	Grist, Inge	and Notice to:  Av Paseo De La Marina Nte 535 Apt. #504 Puerto Vallarta, Jalisco 48300	81,727.06	81,727.06	21,788.66	59,938.40
10725-01272	Wayne Dotson Co Peter Bogart Ceo	Peter Bogart Ceo 1445 City Line Ave. Wynnewood, PA 19096	56,000.00	56,000.00	21,785.80	34,214.20
10725-01841	Mierau Living Trust Dtd 9/14/98	C/O Robert D & Sandra J Mierau Ttees Po Box 562 Glenbrook, NV 89413-0562	679.74	679.74	-	679.74
			<b>366,405.21</b>	<b>366,405.21</b>	<b>261,498.59</b>	<b>104,906.62</b>